

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA, )  
                                )  
                                )  
                                )  
vs.                           )      CRIMINAL ACTION NO. 10-00260-KD  
                                )  
                                )  
JUDSON HAYWARD BURFORD, JR., )  
                                )  
Defendant.                   )

**ORDER**

This action is before the Court on *sua sponte* review. On May 27, 2011, defendant Judson Hayward Burford, Jr. was sentenced pursuant to 18 U.S.C. § 924(e). The Court determined that the enhancement under 18 U.S.C. § 924(e)(1) applied. The Court considered two prior violent felonies. Upon reconsideration, the Court finds that 18 U.S.C. § 924(e) requires a finding of three previous convictions for a violent felony or a serious drug offense. Thus, the judgment entered May 27, 2011 (doc. 30) is vacated for clear error. Fed. R. Crim. P. 35(a).

Accordingly, a hearing will be held for resentencing and determination of whether 18 U.S.C. § 924(e) applies, on **July 1, 2011 at 1:00 p.m.** in Courtroom 5 A of the United States Courthouse, 113 St. Joseph St., Mobile, Alabama 36602.

The defendant shall remain in custody pending sentencing.

The United States Marshal is directed to produce the defendant for this hearing.

**DONE** and **ORDERED** this the 31st day of May, 2011.

**/s / Kristi K. DuBose  
KRISTI K. DUBOSE  
UNITED STATES DISTRICT JUDGE**